

the affidavit or voted a replacement ballot, the voter shall cast a ballot in accordance with section 49.81.

Sec. 15. Section 260C.15, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. Objections to the legal sufficiency of a nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question.

b. The objection must be filed with the secretary of the board as least thirty-five days before the day of the election at which members of the board are elected. When objections are filed, notice shall immediately be given to the candidate affected, addressed to the candidate's place of residence as given on the candidate's affidavit, stating that objections have been made to the legal sufficiency of the petition or to the eligibility of the candidate, and also stating the time and place the objections will be considered. The board secretary shall also attempt to notify the candidate by telephone if the candidate provided a telephone number on the candidate's affidavit.

c. Objections shall be considered not later than two working days following the receipt of the objections by the president of the board of directors, the secretary of the board, and one additional director of the board chosen by ballot. If objections have been filed to the nominations of either of the directors, that director shall not pass on the objection. The director's place shall be filled by a member of the board of directors against whom no objection exists. The replacement shall be chosen by ballot.

Sec. 16. REPEAL. Section 49.19, Code Supplement 2009, is repealed.

Sec. 17. EFFECTIVE UPON ENACTMENT. The sections of this Act amending sections 49.13, 49.14, 49.15, 49.16, and 49.20, and repealing section 49.19, being deemed of immediate importance, take effect upon enactment.

Approved March 3, 2010

## CHAPTER 1027

### TAKING OF CROPS ON FARM TENANCIES

*H.F. 2380*

**AN ACT** providing for the taking of crops on land classified as a farm tenancy.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. **562.5A Farm tenancy — right to take part of a harvested crop's aboveground plant.**

Unless otherwise agreed to in writing by a lessor and farm tenant, a farm tenant may take any part of the aboveground part of a plant associated with a crop, at the time of harvest or after the harvest, until the farm tenancy terminates as provided in this chapter.

Approved March 3, 2010

## CHAPTER 1028

### REGULATION OF BANKING

#### S.F. 2191

**AN ACT** relating to and making changes to matters under the purview of the division of banking of the department of commerce, making a penalty applicable, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 12C.1, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. “Bank” means a corporation or limited liability company engaged in the business of banking ~~authorized by law to receive deposits and whose deposits are insured by the bank insurance fund or the savings association insurance fund of the federal deposit insurance corporation and includes any office of a bank and organized under the laws of this state, another state, or the United States.~~ “Bank” also means a savings and loan, ~~or savings association, or savings bank organized under the laws of this state, another state, or the United States.~~

Sec. 2. Section 12C.1, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0h. “Superintendent” means the superintendent of banking of this state when the depository is a bank, and the superintendent of credit unions of this state when the depository is a credit union.

Sec. 3. Section 12C.23A, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Consent to the jurisdiction and authority of the superintendent as provided under section 12C.29.

Sec. 4. Section 12C.28, Code 2009, is amended to read as follows:

**12C.28 Electronic reporting.**

Any notice, information, report, or other communication required by this chapter shall be deemed effective and in compliance with this chapter if sent or given electronically as provided in rules adopted pursuant to chapter 17A by the appropriate superintendent or the treasurer of state.

Sec. 5. NEW SECTION. **12C.29 Authority of superintendent to issue orders.**

1. If it appears to the superintendent that a bank is violating or has violated, or the superintendent has reasonable cause to believe that a bank is about to violate, any provision of this chapter or any rules adopted pursuant thereto, or if a bank is less than well capitalized as defined in 12 U.S.C. § 1831o(b)(1)(A), or if a bank is subject to a final order or written agreement subject to the public disclosure requirements of 12 U.S.C. § 1818(u), the superintendent may issue an order requiring the bank to do one or more of the following:

- a. Not accept uninsured public funds deposits.
- b. Reduce the amount of uninsured public funds accepted.
- c. Return to the depositors some or all uninsured public funds held in demand deposits and, when deposit instruments or agreements mature, return to the depositors some or all uninsured deposits representing proceeds of such instruments or agreements.
- d. Pledge collateral to the treasurer of state, with such collateral having a value at all times up to one hundred ten percent of the public funds held by the bank.
- e. Comply with such other requirements as the superintendent may impose.

2. An order issued pursuant to this section shall become effective upon service of the order on the bank and shall remain effective except to such extent modified, terminated, or set aside by action of the superintendent or of the district court of Polk county as provided in subsection 3.